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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 11-00474 EJD
	)	
Plaintiff,	)	<b>STIPULATION AND <del>PROPOSED</del></b>
	)	<b>ORDER CONTINUING HEARING</b>
v.	)	<b>DATE AND EXCLUDING TIME</b>
	)	<b>UNDER THE SPEEDY TRIAL ACT</b>
ISMAEL MACIAS-BARRERA,	)	
	)	
Defendant.	)	
_____	)	

Defendant and the government, through their respective counsel, subject to the court's approval, hereby stipulate that the Court continue the status hearing in the above-captioned matter, presently scheduled for, January 30, 2012 at 1:30 p.m., to February 13, 2012, at 1:30 p.m. The reason for the continuance is defense counsel's unavailability due to recent deaths in his family and continuity of defense counsel. Defense counsel is also requesting more time to complete his investigation.

The parties further agree and stipulate that time should be excluded from and including January 30, 2012, through and including February 13, 2012, to provide counsel reasonable time to prepare, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A) and (B)(iv). Accordingly, the United States and the defendant agree that granting the requested exclusion of time will serve the interest of justice and outweigh the interest of the public and defendant in a speedy trial.

1 IT IS SO STIPULATED.

2 Dated: January 26, 2012

3 \_\_\_\_\_/s/  
MANUEL ARAUJO  
Assistant Federal Public Defender

4 Dated: January 26, 2012

5 \_\_\_\_\_/s/  
ANN MARIE URSINI  
Special Assistant United States Attorney

6  
7 **~~PROPOSED~~ ORDER**

8 GOOD CAUSE APPEARING, and by stipulation of the parties, IT IS HEREBY  
9 ORDERED that the status conference hearing in the above-captioned matter shall be continued  
10 from January 30, 2012, at 1:30 p.m., to February 13, 2012, at 1:30 p.m.


11 THE COURT FINDS that failing to exclude the time between January 30, 2012, and  
12 February 13, 2012, would unreasonably deny the defendant's continuity of counsel, and would  
13 unreasonably deny counsel the reasonable time necessary for effective preparation, taking into  
14 account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

15 THE COURT FURTHER FINDS that the ends of justice served by excluding the time  
16 between January 30, 2012 and February 13, 2012, from computation under the Speedy Trial Act  
17 outweigh the interests of the public and the defendant in a speedy trial.

18 THEREFORE, IT IS HEREBY ORDERED that the period of delay from January 30,  
19 2012, through and including February 13, 2012, be excluded for purposes of Speedy Trial Act  
20 computations pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and  
21 3161(h)(7)(B)(iv).

22 IT IS SO ORDERED.

23 Dated: January 26, 2012

24   
HONORABLE EDWARD J. DAVILA  
United States District Judge